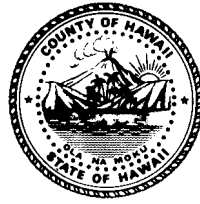


PETE HOFFMANN
Chair & Presiding Officer

K. ANGEL PILAGO
Vice Chair



BRENDA FORD
STACY K. HIGA
DONALD IKEDA
BOB JACOBSON
EMILY I. NAEOLE
DOMINIC YAGONG
J YOSHIMOTO

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

28th Session

ORDER OF BUSINESS

Hawai'i County Council
333 Kīlauea Avenue
(Ben Franklin Building)
Second Floor, Council Room
Hilo, Hawai'i

Thursday, January 24, 2008
8:30 a.m.

INVOCATION

Reverend Richard Ragle of Hilo Church of the Nazarene

CALL TO ORDER

8:30 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

March 9, 2007 (postponed January 9, 2008) – **APPROVED**
and December 5, 2007 – **APPROVED**

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

*Serving the Interests of the People of Our Island
Hawai'i County is an Equal Opportunity Provider and Employer.*

MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE**8:30 A.M.: STATEMENTS FROM THE PUBLIC ON COMMUNICATIONS AND ORDER OF RESOLUTIONS****COMMUNICATIONS**[Comm. 589.8:](#)UPDATE OF THE ACTIVITIES OF THE LEGISLATIVE LIAISON

From Council Chair Pete Hoffmann, dated January 16, 2008, requesting this matter be agendaized in order for the Ad Hoc Task Force to update the Council on the activities of the legislative liaison.

FILED

ORDER OF RESOLUTIONS[Res. 439-07:](#)

Urges Our State Legislators to Pass HB661 HD1 with Amendments that Establish Comprehensive Public Funding for Elections to Hawai'i County Council. {Urges the 2008 Legislature of the State of Hawai'i to pass HB661 HD1 in an amended form allowing for public funding of the 2010 Hawai'i County Council election.}; and PWIRC-49.

AMENDED TO DRAFT 2 & ADOPTED:

AYES: Council Members Ford, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 7.

NOES: Council Members Higa and Ikeda – 2.

ABSENT: None.

EXCUSED: None.

[Res. 459-08:](#)

Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (5 years) of a Digital Mailing System (Postage Machine) for the Office of the County Clerk-Reprographic Division. {Current postage machine is obsolete due to U. S. Post Office regulation in 2008 and needs to be replaced at a cost of \$500 per month.}; and FC-212.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 462-08:](#)

Supports S.B.958 S.D.1 H.D.1 to Impose a Ten-Year Moratorium on Developing, Testing, Propagating, Cultivating, Growing, and Raising of Genetically Modified Taro in the State of Hawai'i. {Urges the Hawai'i State Legislature to pass S.B.958 S.D.1 H.D.1.}; and EMC-11.

ADOPTED:

AYES: Council Members Ford, Higa, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Ikeda – 1.

EXCUSED: None.

[Res. 463-08:](#) Supports H.B.1577 H.D.1 to Temporarily Prohibit the Growing of Genetically Modified Coffee for a Period of Five Years and, at the Same Time, Permit Research in an Environmentally Secure Facility. {Urges the Hawai'i State Legislature to pass H.B.1577 H.D.1, however, does not support locating the research facility within the County of Hawai'i.}; and EMC-12.

ADOPTED:

AYES: Council Members Ford, Higa, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Ikeda – 1.

EXCUSED: None.

[Res. 464-08:](#) Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$10,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Liquor Control Public Programs, Miscellaneous Contract Services (Kealakehe Project Grad). Contingency Relief funds from District 8 would be used towards Kealakehe Project Grad, a drug and alcohol free graduation celebration.}; and FC-213.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 467-08:](#) Amends Salary Ordinance No. 07-76 by Amending Section 7.02(B) by Deleting the Assistant Housing Administrator Class and Adding the Administrative Services Officer III and Senior Account Clerk Classes of Work. {New classes of work must be established and implemented as the Office of Housing and Community Development is undergoing reorganization.}; and FC-214.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 468-08:](#) Authorizes the Office of the Mayor to Enter Into an Agreement With the United States of America, Pursuant to HRS 46-7, for the Organized Crime Drug Enforcement Task Force Program Grant. {Funds would be used for overtime and travel costs incurred by deputized officers during special investigations and prosecutions.}; and FC-215.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 469-08:](#) Authorizes the Acceptance of the Monetary Contribution from the Fireman's Fund Insurance Company for the Hawai'i Fire Department. {Funds would be used to update the libraries at the Department's training bureau which include books, DVDs, and training manuals to help support the ongoing training needs of the Department's firefighters.}; and FC-217.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 470-08:](#) Authorizes the County of Hawai'i to Enter Into Multi-Year Contracts for Electronic and Printed Legal Research for the Office of the Corporation Counsel. {Favorable rates for multi-year contracts have been negotiated resulting in further savings to the County and this legal researching capability has been used to assist all County departments as well as shared with Council staff.}; and FC-219.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 471-08:](#) Authorizes the Receipt and Expenditure of the Hilo Salvation Army Award of \$100,000 for the Pāhoa Weed & Seed 2007 Program. {Funds would be used for overtime, travel to informational conferences, and to purchase equipment to assist with the objectives of this program.}; and FC-221.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 472-08:](#) Creates a Traffic Technician-Drafting Technician Position and a Traffic Technician II Position for the Department of Public Works' Traffic Division. {Creation of these positions are due to the increasing number of requests for traffic calming by the Members of the Hawai'i County Council and the County Administration, and to the increasing number of traffic signals and workload.}; and FC-223.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 473-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$3,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Office of the Mayor Committee on the Status of Women Miscellaneous Contract Services (Teen Dating Violence Prevention Peer Education Conferences). Contingency Relief funds from District 8 would be used towards costs associated with Teen Dating Violence Prevention Peer Education Conferences.}; and FC-227.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 484-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$4,750 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Parks and Recreation Coordinated Services-Equipment (Coordinated Services-Equipment, Computer Equipment). Contingency Relief funds from District 8 would be used to purchase a laptop computer, I.D. software, PVC card printer and accessories enhancing the ability of the Elderly Activities Division to service elderly clients.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 485-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$22,100 out and from Clerk-Council Services-Contingency Relief account; credits to the following: Hawai'i County Police Department, Police Administration Division-Equipment (\$10,000 to Police Administration Division-Equipment, Office Equipment-Fixture) (\$10,000) and Hawai'i County Police Department Kona Police-Other Current Expense (\$10,000 to Kona Police-Other Current Expense Repairs to Facilities, \$2,100 to Kona Police-Other Current Expense Miscellaneous Materials and Supplies) (\$12,100), for a total of \$22,100. Contingency Relief funds from District 8 would be used towards costs associated with completing construction of the Hale Hālāwai Police Station in Kailua-Kona.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 493-08:](#)

Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year Lease (5 years) of Real Property (Warehouse) for the Office of the County Clerk-Election Division. {The lease is with Men's Shop, Inc., located at 210 Maka'ala Street, Hilo, containing an area of 3,000 square feet at an approximate cost of \$1,630.20 per month.}

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

10:30 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING), ORDER OF THE DAY (SECOND OR FINAL READING), AND REPORTS

BILLS FOR ORDINANCES (FIRST READING)

[Bill 209:](#)

Amends Chapter 2, Article 15, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Imposition of Administrative Fines for Violations of the County Code of Ethics. {Adds a provision giving the Board of Ethics authority to impose administrative fines up to \$500 for violations of the County Ethics Code.}; and FC-211.

POSTPONED TO FEBRUARY 6, 2008, COUNCIL MEETING

[Bill 210:](#)

Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Organized Crime Drug Enforcement Task Force (\$20,000); appropriates same to Organized Crime Drug Enforcement Task Force.}; and FC-216.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 211:](#)

Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Increases revenues in Contribution from Private Source (\$18,199); appropriates same to Fireman's Fund Training Grant.}; and FC-218.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 212:](#)

Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Justice Assistance Grant 2007 (\$109,370); appropriates same to Justice Assistance Grant 2007. Funds would be used to develop a Documents Management System to electronically scan police reports, upgrade the Police Department's current system of storing police reports, and purchase a new portable Alternate Light Source kit for its crime laboratory.}; and FC-220.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 213:](#)

Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in State Grants – Pāhoa Weed and Seed (\$100,000); appropriates same to Pāhoa Weed and Seed.}; and FC-222.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 214:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Queen Lili'uokalani Village Large Capacity Cesspool Replacement – County [\$850,000] (~~\$900,000~~); fund increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$50,000). Additional funds would be used to complete the design of the on-site portion of the collection system for the Queen Lili'uokalani Village subdivision to the off-site sewer system which in turn will connect to the Kona Sewer system at Keanalehua Street (\$30,000) and for a contingency fund to cover possible additional design work as the project progresses (\$20,000).}; and FC-224.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 215:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Honoka'a Large Capacity Cesspool Replacement – County [\$500,000] (~~\$695,000~~); fund increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$195,000). Additional funds would be used for additional design services (\$100,000), for a design contingency (\$85,000), and for consultant services to acquire sewer easements (\$10,000) in order to connect lots in the Honoka'a town area currently serviced by large capacity cesspools, to a collector system serviced by a wastewater disposal system.}; and FC-225.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 216:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Komohana Heights Large Capacity Cesspool Replacement – County [\$1,658,000] (~~\$1,688,000~~); fund increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$30,000). Additional funds would be used to design a retaining wall along the newly acquired sewer easement (approved in Resolution 398-07) to accommodate the construction of a gravel access roadway for maintenance purposes and to reduce a wider encroachment onto the private property, and for a contingency fund to cover possible additional design work as the project progresses.}; and FC-226.

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 223:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases PUBLIC WORKS: Highway Administration Building Extension [\$200,000] (~~\$400,000~~); fund increase shall be provided from Highway Fund and/or Other Sources (\$200,000). Additional funds would be used to construct an extension to the existing Highway Administration building.}

PASSED 1ST READING:

AYES: Council Members Higa, Ikeda, Naeole, Yagong, Yoshimoto, and Chair Hoffmann – 6.

NOES: Council Members Ford, Jacobson, and Pilago – 3.

ABSENT: None.

EXCUSED: None.

ORDER OF THE DAY (SECOND OR FINAL READING)

[Bill 207](#)
(Draft 3):

Amends Chapter 19, Article 10, Hawai'i County Code (2005 Edition, as Amended), Establishing a Real Property Tax Exemption for Kuleana Land. {Adds a new Section 19-89.5 "Kuleana land exemption" and inserts references to this new section in Section 19-68 relating to "claims for certain exemptions" as appropriate.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

REPORTS

PC-59
[\(Comm. 864\)](#):

Recommends approval of the nomination of the following individuals to the Kailua Village Design Commission: Mr. Fritz Harris-Glade (Council District 8), Ms. Ann Kern (Council District 7), Mr. Gregory Ogin (Council District 7), Mr. Paul Bleck (Council District 8), and Ms. Cindy Coats (Council District 7).

APPROVED

PC-60
[\(Comm. 869\)](#):

Recommends approval of the nomination of Ms. Lani L. Bowman (Council District 9) and the re-nomination of Ms. Shelly H. A. Ogata (Council District 3) to the Planning Commission.

APPROVED

REFERRALS FOR EXECUTIVE SESSION

A 2/3 vote pursuant to HRS Section 92-4 and Rule 11 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

OTHER BUSINESS

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTS

TUESDAY, FEBRUARY 5, 2008

COMMITTEES

TBA

COUNCIL ROOM – HILO
333 Kīlauea Avenue
Ben Franklin Building
Second Floor

| | | |
|------------|-------------------------------------|--|
| | <u>WEDNESDAY, FEBRUARY 6, 2008</u> | |
| COUNCIL | TBA | COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor |
| | <u>WEDNESDAY, FEBRUARY 20, 2008</u> | |
| COMMITTEES | TBA | SHERATON KEAUHOU BAY RESORT & SPA |
| | <u>THURSDAY, FEBRUARY 21, 2008</u> | |
| COUNCIL | TBA | SHERATON KEAUHOU BAY RESORT & SPA |

ADJOURNMENT 3:50 p.m.

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation “By Request” on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

The meeting place is accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by **January 22, 2008**. Persons using TDDs may call 961-8521.

Copies of this agenda and items listed on the agenda are available on the County Council-Clerk web page at http://co.hawaii.hi.us/council/agendas_and_actions.htm; the County Clerk’s Office, 333 Kīlauea Avenue, Hilo; the Office of the Mayor, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona; the Kona Council Office, Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona; and the Waimea Council Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea. For further information, please call 961-8255.

Videoconferencing is available at the following locations:

- Kona Council Office at the Kailua Trade Center; and
- Waimea Council Office at the Holomua Center.

If for technical or other unanticipated reasons the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

- Videoconferencing from the Pāhoā Neighborhood Facility will not be available.

Submitting Testimony: Those wishing to testify in person must register with the County Clerk’s staff. Those submitting written testimony at the meeting should bring **seventeen (17)** copies for distribution. Testimony may also be submitted (1) by mail to the County Clerk’s Office in Hilo at 25 Aupuni St., Hilo, Hawai’i, 96720; (2) by facsimile to (808) 961-8912; or (3) by e-mail to counciltestimony@co.hawaii.hi.us. **Please submit separate testimony for each item.** For testimony received via e-mail or fax, copies will be distributed at the meeting when transmitted in a timely manner. All oral and written testimony will be made a part of the public record.

Viewing of Meetings on Government Access Television - Channel 52:

Wednesday, January 30, 2008, at 6 p.m.; Sunday, February 3, 2008, at 10:30 a.m.; and
Wednesday, February 6, 2008, at 6 p.m.